

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA et al.,

Plaintiffs,

vs.

BARRICK GOLDSTRIKE MINES, INC.,

Defendant.

3:15-cv-00117-RCJ-WGC

ORDER

This case arises from alleged violations of the Resource Conservation and Recovery Act (“RCRA”). Pending before the Court is a Motion to Enter Consent Decrees (ECF No. 11) filed by the United States and the State of Nevada. The Motion also seeks entry of a Consent Decree in a related case, *United States et al. v. Newmont USA Limited*, 3:15-cv-00119-RCJ-WGC (“*Newmont*”). Defendant Barrick and Defendant Newmont have each filed statements in support of the Consent Decrees. (*Barrick*, ECF No. 13; *Newmont*, ECF No. 11).

Barrick owns and operates a gold mining facility near Elko, Nevada where it mines and processes gold ore. (*Barrick* Compl. ¶¶ 13, 16, 18, ECF No. 1). Newmont owns and operates a gold mining facility near Carlin, Nevada where it likewise processes gold ore. (*Newmont*, Compl. ¶¶ 13, 16, 18, ECF No. 1). The Complaints against each Defendant alleges that they (1) failed to determine whether their mercury bleed streams were hazardous, (*Barrick* Compl. ¶¶ 28–33, *Newmont* Compl. ¶¶ 30–35); (2) engaged in improper treatment to meet land disposal

1 restrictions, (*Barrick* Compl. ¶¶ 39–48, *Newmont* Compl. ¶¶ 45–54); and (3) failed to maintain a
2 facility contingency plan, (*Barrick* Compl. ¶¶ 55–60, *Newmont* Compl. ¶¶ 55–60). The
3 Complaint against Barrick alleges a violation for treatment and disposal of its mercury bleed
4 stream without a permit, (*Barrick* Compl. ¶¶ 34–38), while the complaint against Newmont
5 alleges a violation for the treatment, storage, and disposal of its mercury bleed stream as well as
6 a violation for the storage and treatment of lead assay waste without a permit, (*Newmont* Compl.
7 ¶¶ 36–44).

8 The Environmental Protection Agency (“EPA”) brought these charges against
9 Defendants and demanded that Defendants alter their behavior to comply with RCRA. After
10 counseling and negotiations, the parties have entered into Consent Decrees that resolve the
11 Complaints against both Barrick and Newmont. The Decrees state that each Defendant has
12 cooperated with the EPA by making the necessary adjustments and that they are now in
13 compliance with RCRA. (*Barrick* Decree 3, ECF No. 2-1; *Newmont* Decree 4, ECF No. 2-1).
14 Additionally, the *Barrick* Decree requires Barrick to pay a \$196,000 civil penalty, with half paid
15 to the United States and half paid to the State, (*Barrick* Decree 7–8), while the *Newmont* Decree
16 requires Newmont to pay a \$395,000 civil penalty, also divided equally between the United
17 States and the State of Nevada, (*Newmont* Decree 8–9). Both Defendants consent to the entry of
18 the Decrees without further notice. (*Barrick* Decree ¶ 37; *Newmont* Decree ¶ 37).

19 As required by law, the United States published the Notice of Settlement in the Federal
20 Register and received two comments in return, one for each case and apparently submitted by the
21 same individual. The comments essentially claim that the civil penalties are too low. (*See*
22 *Comments*, ECF Nos. 11-2, 11-3). However, after reviewing the allegations against Defendants,
23 the contents of the Decrees, and the instant Motion, the Court is satisfied that the parties engaged
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1 in an arms-length negotiation that resulted in a fair and reasonable settlement, especially given
2 the Plaintiffs' representation that Defendants are now in compliance with RCRA.

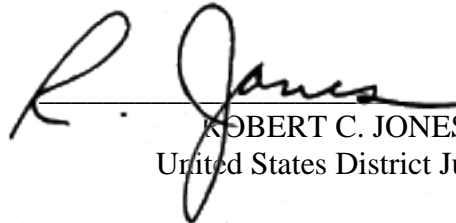
3 Therefore, there being good cause appearing, the Court grants the Motion and orders the
4 entry of the Consent Decrees.

5 **CONCLUSION**

6 IT IS HEREBY ORDERED that Plaintiffs' Motion to Enter Consent Decrees (ECF No.
7 11) is GRANTED. The Consent Decrees in each case shall be entered. The Clerk is further
8 ordered issue final judgment accordingly and to close both cases.

9 IT IS SO ORDERED.

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11 Dated: _ June 1, 2015 _____

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14 ROBERT C. JONES
United States District Judge